

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
PLAINTIFF,	:	
	:	
v.	:	CIVIL ACTION NO. 2:06cv1065-WKW
	:	
ONE THOUSAND ONE HUNDRED	:	
FORTY NINE DOLLARS (\$1,149)	:	
DOLLARS IN UNITED STATES	:	
CURRENCY,	:	
	:	
DEFENDANT.	:	

REQUEST TO ENTER DEFAULT

To: DEBRA P. HACKETT, CLERK OF THE COURT

The United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, hereby requests that you enter a default, pursuant to Federal Rule of Civil Procedure 55(a), against Barryre Reese, Tabitha Jackson, Adlai Clarke, and all other persons and entities having an interest in the Defendant currency, for failure to file a claim or answer, or otherwise defend as provided for in Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims.

Respectfully submitted this the 27th day of June, 2007.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

/s/John T. Harmon
John T. Harmon
Assistant United States Attorney
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Bar Number: 7068-II58J

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 PLAINTIFF, :
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 v. : CIVIL ACTION NO. 2:06cv1065-WKW
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 DOLLARS IN UNITED STATES :
 CURRENCY, :
 :
 DEFENDANT. :

DECLARATION IN SUPPORT OF
REQUEST TO ENTER DEFAULT

1. I, John T. Harmon, am an Assistant United States Attorney and represent the United States of America (United States) in this action.

2. A Verified Complaint for Forfeiture In Rem was filed on November 29, 2006. The Complaint alleges that the Defendant currency constitutes and is derived from proceeds traceable to a violation of Title 18, United States Code, Section 1344 and Title 18, United States Code, Section 1029, which is punishable by imprisonment of more than one year; therefore, the currency is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C).

3. Pursuant to a Warrant and Summons for Arrest In Rem issued by this Court on December 8, 2006, all persons with an interest in the Defendant currency were required to file their claims with the Clerk of the Court within thirty (30) days of the

execution of the Warrant and Summons for Arrest In Rem, publication of the Notice of Arrest, or actual notice of this action, whichever occurred first.

4. The United States Marshals Service for this District seized the Defendant currency on November 30, 2006.

5. Notice of said forfeiture action was published in the Montgomery Advertiser newspaper on January 5, 12 and 19, 2007.

6. On April 13, 2007, Barryre Reese was served by certified mail (label receipt number 7000 1670 0013 2720 9793) with a copy of the Verified Complaint for Forfeiture In Rem, Notice of Complaint of Forfeiture In Rem, and Warrant and Summons for Arrest In Rem.

7. On April 14, 2007, and May 11, 2007, notice of certified mail was left at Tabitha Jackson's usual place of residence and abode.

8. On May 15, 2007, Eboni Whitney signed for the certified mail sent to Adlai Clarke at his usual place of residence and abode.

9. That reasonable and extensive efforts were undertaken to locate and serve Tabitha Jackson and Adlai Clarke in a manner consistent with the principles of service of process of an in rem action, and Tabitha Jackson and Adlai Clarke have failed to plead or otherwise defend as required by law.

10. Barryre Reese, Tabitha Jackson and Adlai Clarke have failed to file a claim or answer within the time permitted by applicable Statutes and Rules.

11. Declarant knows of no reason why a default against Barrye Reese, Tabitha Jackson, Adlai Clarke and all other persons and entities having an interest in the Defendant currency should not now be entered.

I declare under penalty of perjury that the foregoing is true and correct.

Done this 27th day of June, 2007.

/s/John T. Harmon

John T. Harmon
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	:	
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ENTRY OF DEFAULT

It appearing that Barryre Reese was served by certified mail (label receipt number 7000 1670 0013 2720 9793) with a copy of the Verified Complaint for Forfeiture In Rem, Notice of Arrest and Seizure, and Warrant and Summons for Arrest In Rem on April 13, 2007;

It appearing that Eboni Whitney signed for the certified mail addressed to Adlai Clarke at his usual place of residence and abode on May 15, 2007;

That reasonable efforts were undertaken to locate and serve Tabitha Jackson and Adlai Clarke in a manner consistent with the principles of service of process of an in rem action, and Tabitha Jackson and Adlai Clarke have failed to plead or otherwise defend as required by law.

Said Barryre Reese, Tabitha Jackson and Adlai Clarke have failed to plead or otherwise defend as required by law.

DEFAULT hereby is entered against said **Barryre Reese, Tabitha Jackson, Adlai Clarke** and all other persons and entities having an interest in the Defendant currency this _____ day of _____, 2007.

CLERK, UNITED STATES DISTRICT COURT